

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEW JERSEY**

**FRANK BRETT**

**Plaintiff,**

**V.**

**BURDETT TOMLIN MEMORIAL HOSPITAL, ET AL.**

**Defendant.**

**ORDER ON APPLICATION  
TO PROCEED WITHOUT  
PREPAYMENT OF FEES**

**Case Number: 11-2323 (NLH-AMD)**

**Having considered the application to proceed without prepayment of fees under 28 U.S.C. § 1915;**

**IT IS ORDERED that the application is:**

☐ **GRANTED, and**

☐ **The clerk is directed to file the complaint, and**

☐ **IT IS FURTHER ORDERED that the clerk issue summons and the United States marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.**

☒ **DENIED, for the following reasons:** The complaint fails to state a claim upon which relief can be granted.

☒ **and the Clerk is directed to close the file.**

**Plaintiff may submit a filing fee of \$350.00 within 30 days from the date of this order to reopen the case.**

**ENTER this** 25<sup>th</sup> **day of** August, 2011

Joel L. Altman

**Signature of Judicial Officer**

**Name and Title of Judicial Officer**